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Denita Munster, Sandra Rose-Thayer
and Melissa Travis*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JAMAL DAMON HENDRIX,
Plaintiff,

vs.

S. ROSE, et al.,
Defendants.

Case No. 3:19-cv-00046-MMD-WGC

**ORDER GRANTING
MOTION FOR EXTENSION OF TIME TO
FILE MOTION FOR SUMMARY JUDGMENT**

Defendants, Michael Adams, Eric Delafontaine, Denita Munster, Sandra Rose-Thayer and Melissa Travis, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby move this Court for an extension of time file a Motion for Summary Judgment. This Motion is made and based upon Federal Rule of Civil Procedure 6(b)(1)(A), the attached Points and Authorities, the papers and pleadings on file herein, and such other and further information as this Court may deem appropriate.

MEMORANDUM OF POINTS AND AUTHORITIES

I. ARGUMENT

This is a pro se prisoner civil rights action brought by inmate Jamal Damon Hendrix (Plaintiff) (#1083418), asserting claims arising under 42 U.S.C. § 1983 against multiple Defendants for events that took place while incarcerated by Nevada Department of Corrections at Ely State Prison (ESP).

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1 Pursuant to the Court's Screening Order (ECF No. 3) on the Complaint (ECF No. 5), the Court
2 parsed the surviving allegations into nine discrete claims which fall into the following categories: (1)
3 First Amendment Retaliation (Counts 1, 2, 3, 6, 7); (2) equal protection (Counts 2, 4); deliberate
4 indifference (Count 5); and free exercise of religion (Count 7).

5 On August 25, 2020, this Court issued a Scheduling Order, setting forth the discovery deadlines
6 and dispositive motion deadlines. Dispositive motions are due December 23, 2020. (ECF No. 25 at
7 4:11-13). Neither party has sought to extend those deadlines.

8 On Friday, December 5, 2020, the office of the Attorney General lost a Deputy Attorney
9 General. Due to the holiday season, she has not yet been replaced. Interviews are ongoing, and it is
10 hoped a replacement will be hired shortly. However, in the interim, Counsel substituted in on her case
11 load in order to maintain the continuity of representation. Due to this, Counsel has 3 Early Mediation
12 statements and a Settlement brief in Quintero v Aranas, 3:17-cv-00066-MMD-CLB due by the 23rd of
13 December. Additionally, Counsel has a Settlement Conference set before this Court on Tuesday,
14 December 22, 2020 in Gadsden v Donnelly, 3:17-cv-00728-MMD-CLB. While Counsel does not
15 normally request an extension based primarily on case load, this is an exceptional circumstance.
16 Therefore, a short extension of time is requested.

17 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

18 When an act may or must be done within a specified time, the court may,
19 for good cause, extend the time: (A) with or without motion or notice if
20 the court acts, or if a request is made, before the original time or its
extension expires; or (B) on motion made after the time has expired if the
party failed to act because of excusable neglect.

21 Defendants' request is timely and will not hinder or prejudice Plaintiff's case, but will allow for
22 a thorough opportunity to review the case through Summary Judgment. The requested extension of
23 time should permit the Defendants to file a well-researched and proper Motion for Summary Judgment
24 in this case. In light of the short time from the departure of the other deputy, it is respectfully asserted
25 that a short extension is warranted.

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1 **II. CONCLUSION**

2 Defendants asserts that the requisite good cause and extenuating circumstance is present to
3 warrant the requested extension of time. Therefore, the Defendants requests an extension, until
4 **January 25, 2021**, to file their Motion for Summary Judgment.

5 DATED this 21st day of December, 2020.

6 AARON D. FORD
7 Attorney General

8 By:

9 DOUGLAS R. RANDS
Sr. Deputy Attorney General

10 *Attorneys for Defendant*

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12 IT IS SO ORDERED.

13 DATED: December 22, 2020.

14 William G. Cobb
15 UNITED STATES MAGISTRATE JUDGE
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